

TOWN OF EAGAR
ZONING ORDINANCE “EXPLAINED”

The Planning and Zoning Department as provided by the Zoning Ordinance will review all Plans, Conditional Use Permits, Amendments (Rezoning) and Variances. Simplified procedures for each are as follows:

1. Plan Review: Applies to all uses, Mobile/manufactured/factory built (modular) homes, conventional homes, additions, carports, patios, signs, commercial and residential construction etc.
 - a. Application and approval: the Planning and Zoning/Building Department for conformity with zoning and building codes will review the plans for any proposed development. The application for a plan review will contain sufficient information to allow the department to make a determination as to the compliance of the proposal. If the plans are in compliance, approval is given; if not, then corrective measures are recommended to the applicant. The Planning and Zoning/Building Department may take the plans to outside sources for review if the complexity of the plans dictate.
 - b. Appeals: If anyone believes that the Planning and Zoning/Building Department has misinterpreted the codes in making a decision to either approve or disapprove a plan, they may (within 15 days) file an appeal with the Planning and Zoning Administrator to the Board of Adjustments which will either reverse or affirm the decision.
2. Conditional Use Permits (CUP’S): CUP’S – Applies to those uses, which are clearly listed as “Conditional uses” in the Zoning Ordinance.
 - a. Application: CUP applications are filed with the Planning and Zoning Administrator, and will contain sufficient information to allow the Planning and Zoning Commission to make a determination. All CUP’S will be heard at a public hearing.
 - b. Approval: The Planning and Zoning Commission determines what ‘conditions’ are to be placed upon the proposed development in order to insure compatibility with the surrounding area uses.
 - c. Appeals: If anyone is dissatisfied with the determination of the P&Z Commission, he may file an appeal (within 15 days) with the Town Clerk to the Town Council which will either reverse or affirm the decision of the P&Z Commission. A public hearing may be held again if necessary.
3. Amendments/Zoning changes: Applies to all requests for changes in the text of the zoning ordinance, as well as changes in zoning districts.
 - a. Application: Application for amendments and changes in zoning districts are filed with the Zoning Administrator and will contain sufficient information to allow the P&Z commission and Town Council to make a decision. When the application for a change in zoning district is made by a party other than the P&Z Commission or Town Council, the application must include the signatures of the owners representing at least 75% of the lot and property owners of the proposed change.
 - b. Public Hearing and Recommendation: The Zoning Administrator may set a date for a public hearing or forward the application to the P&Z Commission who would set a date for a public hearing and make a recommendation for approval or denial to the Town Council.
 - c. Approval: The Town Council may hold a Public Hearing if it wished or if requested by a member of the public. The Council decides whether or not to approve the proposed changes, and follows the same procedures as with the passage of any other Town Ordinance including the required readings and publication.

- d. Appeals: Appeals from action of the Town Council are taken to court.
- 4. Variances: Applies to all requests for a waiver of the requirements of the ordinance.
 - a. Application: Variances from the terms of the ordinance may be requested for any property which, due to such items as it's size, shape, or topographic features, would under strict application of the ordinance deprive a property owner privileges enjoyed by the other property owners in the same zoning district. Self-inflicted hardships created by a property owner do not qualify for a variance or do finical hardships. Applications are filed with the Zoning Administrator and will contain sufficient information to allow the Board of Adjustments to make a decision.
 - b. Public Hearing and approval: The Zoning Administrator forwards the application to the Board of Adjustments, which must hold a Public Hearing and approve or disapprove the variance. Any such variance cannot grant special privileges inconsistent with other properties within the same zone.
 - c. Appeal: Appeals from action of the Board of Adjustments are taken to court.